

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

TAKEDA PHARMACEUTICAL  
COMPANY LIMITED et al.,

Civil Action No. 20-8966 (SRC)

Plaintiffs,

**OPINION & ORDER**

v.

NORWICH PHARMACEUTICALS, INC.  
et al.,

Defendants.

**CHESLER, District Judge**

This matter comes before the Court on the motion to compel Plaintiffs to reduce the number of asserted claims for trial by Defendant Norwich Pharmaceuticals, Inc. (“Norwich”). Plaintiffs Takeda Pharmaceutical Company Limited and Takeda Pharmaceuticals U.S.A. Inc. (collectively, “Takeda”) have opposed the motion. The motion was briefed and heard on an expedited basis, and the Court heard oral argument on October 17, 2022. At the hearing, the Court directed the parties to confer to see if they would resolve this dispute by noon on October 19, 2022.

At noon on October 19, 2022, the parties, through Plaintiff’s counsel, informed the Court by email that they had reached the following agreement (the “Agreement”):

The parties have agreed to the following terms in order to resolve ECF Nos. 396-397:

1. Norwich withdraws its Motion to Compel (ECF Nos. 396-397) with prejudice.
2. Norwich stipulates to infringement of claims 6 and 9 of the ’561 patent and claims 4 and 25 of the ’030 patent (for all strengths);
3. Norwich will not call Dr. Zaworotko at trial;
4. Takeda will not assert the ’253 or ’771 patents at trial; and

5. Takeda will not call Dr. Citrome at trial.

The parties further agree that Norwich will withdraw its motions in limine #1, #2, #3 and #4, and Takeda would withdraw its Motion in Limine #2.

The parties did not reach agreement with respect to the number of references on which Norwich may rely. Norwich proposed to be limited at trial to 80 prior art references for any purpose (e.g., combinations, scope and content of the prior art, rationales to combine, reasonable expectation of success, and objective indicia). Takeda reserves all rights with respect to the prior art references on which Norwich seeks to rely.

The parties appreciate your time and attention to this matter.

Under the terms of the Agreement, Norwich has withdrawn the motion presently before this Court.

For these reasons,

**IT IS** on this 20th day of October, 2022

**ORDERED** that the terms of the Agreement bind the parties; and it is further

**ORDERED** that Defendant's motion to compel Plaintiffs to reduce the number of asserted claims for trial (Docket Entry No. 396) is **WITHDRAWN**; and it is further

**ORDERED** that Defendant's four motions *in limine* (Docket Entry No. 406) are

**WITHDRAWN**; and it is further

**ORDERED** that, as to Plaintiffs' two motions *in limine* (Docket Entry No. 401), the second motion is **WITHDRAWN**, but the first motion remains active.

s/ Stanley R. Chesler  
STANLEY R. CHESLER  
United States District Judge